

THE HONOURABLE SRI JUSTICE E. DHARMA RAO

W.P. No. 22339 of 2005

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Dated: 14.10.2005

Between:-

Bheemireddy Venkatarao s/o Suranna, age 65 years,
Cultivation R/o Kesavaram village, Mandapeta mandal, E.G. District.

...PETITIONER

AND

The President, Kesavaram Panchayat Kesavaram (v),
Mandapeta mandal, E.G. District
and two others.

..RESPONDENTS

THE HONOURABLE SRI JUSTICE E. DHARMA RAO

W.P. No. 22339 of 2005

ORDER

This Writ Petition is filed seeking a writ of Mandamus to declare the proposed impugned action of the respondents in constructing market sheds in the patta land of the petitioner situated in front of petitioners house bearing D.No. 5-113, situated at Kesavaram village, Mandapeta mandal, E.G. District, without following due process of law as illegal, arbitrary and contrary to law and for a consequential order directing

the respondents not to construct market sheds in the patta land of the petitioner.

The case of the petitioners is that he got his own landed property bearing D. No. 5-113, situated at Market Street, Kesavaram Panchayat, Mandapeta mandal and he purchased the said site in the year 1973 under a registered sale deed by paying valuable consideration from one Narendrapurapu Venkataratnam and his wife Polamma and since then they have been in continuous possession and enjoyment of the said site and in the said site, he constructed some part of terraced house and some extent tiled house and some vacant site is left in front of his house. His house site is situated in Market Street and on the southern side, there is 44 feet road called as Rajaveedhi. While the matters stood thus, the respondents 1 and 2 herein proposed to construct a market shed in his land which is situated in front of his house without following any due process of law. The respondents have neither any right nor any justification to construct shed in his patta land. If the respondents are allowed to proceed with construction of shed in his site he will be put to irreparable loss and hardships.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

On a perusal of the material available on record, it appears that the petitioner is the owner of the patta land in question. The respondents, without following due process of law, have no right to construct market shed in the said patta land.

Having regard to the facts and circumstances of the case, without going into merits or otherwise of the contentions raised herein, I deem it appropriate to dispose of the writ petition, at the stage of admission, directing the respondents to initiate land acquisition proceedings or negotiate with the petitioner under the L.A.Act and pay compensation to the land affected by virtue of construction of market sheds in the land of the petitioner situated in front of the petitioner's house bearing door No. 5/113, situated at Kesavaram village, Mandapeta mandal, East Godavari District, in accordance with law.

With the observations, the writ petition is disposed of. No order as to costs.

ELIPE DHARMA RAO, J

Dated: 14.10.2004

vp/dsr

Note:

CC in one day

(B/0)

vp/dsr